

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/SE2005/000076

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-14	YES
	Claims	1-2, 15-17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US 20020007693 A1
D2: US 20030019319 A1
D3: US 6082219 A
D4: US 20010006010 A1
D5: US 6182525 B1
D6: EP 0873923 A1

In document D1 a safety device for supporting pedals in a motor vehicle is described, the object of said safety device being to, in the event of a collision, prevent pedal penetration into the passenger compartment, while at least partial operation of the pedals is retained, see section [0019]. This object is achieved by a safety device in accordance with claim 1 of the present application, see section [0020] of D1. The subject matter of claims 2 and 15-17, respectively is also disclosed by D1, see sections [0036], [0054] and [0039], respectively.

In the description of the present application it is stressed that the lock appertaining to the safety device is actively triggered in connection with a collision, i.e. the triggering is not dependent on relative movements between vehicle body parts that are deformed during the process of a collision. Such devices are per se previously known in the art, see e.g. one of D3-D6, and it must be considered obvious for a person skilled in the art to trigger a safety device such as the one described in D1 in a similar way,

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

especially since a sensor, detecting collision and releasing the lock, is discussed in section [0054] of D1. Moreover, the triggering process is not defined in the claims of the present invention and has therefore not been taken into account when examining the patentability of the claims.

A device according to claims 1-2 and 15-17, respectively, is known from document D1. Thus, the invention defined in claims 1-2 and 15-17, respectively, is not new and consequently lacks novelty and inventive step.

The subject matter of the characterizing parts of the dependent claims 3-14 is either per se previously known from one of D2-D3 or are considered only to constitute adaptation of details obvious to a person skilled in the art. Thus the device according to claims 3-14 is considered to lack an inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawing or on the question whether the claim are fully supported by the description, are made:

In claims 5 and 8, respectively, the pedal support is characterised by the fulcrums (7,8) and the slide (28), respectively, being moveable to "said second position". This "second position" has previously not been mentioned in the claims and the wording thus renders the claims somewhat unclear. However, in claim 1 a "safety position" is mentioned. Is this what is meant by the "second position" mentioned in claims 5 and 8, respectively?

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1110/PCT		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2005/000076	International filing date (day/month/year) 25-01-2005	Priority date (day/month/year) 26-01-2004	
International Patent Classification (IPC) or national classification and IPC See Supplemental Box			
Applicant Teleflex Automotive Sweden AB et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 24-08-2005		Date of completion of this report 18-01-2006	
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88		Authorized officer Jenny Petersson / JA A Telephone No. +46 8 782 25 00	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC):

G05G 1/14 (2006.01)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____
which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1 - 8 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* 1 - 2 received by this Authority on 24-08-2005
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1 - 5 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-11</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-11</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-11</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US 20020007693 A1
 D2: US 20030019319 A1
 D3: US 6082219 A
 D4: US 20010006010 A1
 D5: US 6182525 B1
 D6: EP 0873923 A1
 D7: EP 1260419 A1

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows a safety device for supporting pedals in a motor vehicle, the object of said safety device being to, in the event of a collision, prevent pedal penetration into the passenger compartment, while at least partial operation of the pedals is retained. The subject-matter of claim 1 therefore differs from this known pedal support in that the shaft is disposed on a slide which is slideable in a guide secured to the bracket.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as providing an alternative solution to the displacement of the shaft to a safety position. None of the cited documents D1-D7 shows a solution for displacement of the shaft using a slide to which the shaft is attached. Thus the solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT).

Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.